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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/912,206 07/24/01 GAUCI

J 2754

EXAMINER
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PM82/0928

NIRO, SCAVONE, HALLER & NIRO  
SUITE 4600  
181 W. MADISON  
CHICAGO IL 60602

MORRISON, N	
ART UNIT	PAPER NUMBER

3632  
DATE MAILED:

09/28/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

**Office Action Summary**

Application No.

09/912,206

Applicant(s)

GAUCI, JASON

Examiner

Naschica S Morrison

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3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 7/24/01.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 July 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

### **DETAILED ACTION**

This is the first Office Action for serial number 09/912,206, Outdoor Light Mounting Bracket, filed on July 24, 2001. Claims 1-10 are pending.

#### ***Specification***

The disclosure is objected to because of the following informalities: on page 1, line 1 should read -- This application is a continuation of Serial Number 09/320,257 filed on May 26, 1999; on page 6, line 4, "of" should be --on--. Appropriate correction is required.

#### ***Drawings***

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference signs not mentioned in the description: *numerals 47, 53, and 70.*

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "20" has been used to designate both the fastener and arm. Correction is required.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "46" has been used to designate both the fasteners and projections. Correction is required.

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***Claim Objections***

Claims 1 and 4 are objected to because of the following informalities: claims 1 and 4, lines 3 and 5, "secured to" should be -- adapted to be secured to-- if applicant does not intend to claim the combination of the device and light fixture. The claims have been rejected based on the subcombination.

Claim 3 is objected to because of the following informalities: claim 3, line 5, "retained" should be --retain--. Appropriate correction is required.

Claim 4 is objected to because of the following informalities: claim 4, line 12, "retained" should be --retain--. Appropriate correction is required.

Claim 10 is objected to because of the following informalities: claim 10, lines 3 and 4, insert --adapted to be-- before "located on" and "secured to" if applicant does not intend to claim the combination of the device and light fixture/support surface. The claim has been rejected based on the subcombination.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3-7, 9, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over U. S. Patent 2,369,336 to Cable. With regards to claims 1, 3, 4, 9, and

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10, Cable discloses a device comprising: a first support (19) having two opposingly located upper apertures (20) and one lower aperture (20), a second support (9) having corresponding projections (12), whereby the device suspends the mounting (8).

Specifically regarding claims 1,4, and 10, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have mounted the first support on the wall (7) and the second support on the mounting (8), since a mere reversal of the essential working parts of a device is known to involve only routine skill in the art.

Regarding claim 5, Cable does not expressly disclose the resting of the mounting upon the lower projection permitting upward rotation of the mounting and insertion of the upper projection into the upper aperture, however the device is fully capable of such rotation for installation upon the wall (7).

Regarding claim 6, although Cable does not disclose the lower aperture being a notch, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the first support by including notches as opposed to holes because the selection of a hole versus a notch is a matter of design choice and the function of securing the projection to the first support would remain unchanged.

With regards to claim 7, Cable does not disclose the first support including two lower apertures and one upper aperture. However, Cable does disclose the first support including two upper apertures and one lower aperture. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the first support by providing two lower apertures and one upper aperture as a

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matter of design choice since the first support would remain adequately supported by either arrangement.

Claims 2 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cable in view of U. S. Patent 5,603,475 to Lim. With regards to claims 2 and 8, Cable does not disclose the upper or lower projections having a threaded portion which coacts with a threaded element. Lim discloses a threaded projection (40), which coacts with threaded element (41). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the device by substituting the threaded projections since the hook shaped fastener of Cable and threaded fastener of Lim are recognized art equivalents and the selection of either of these known equivalents would be within the level of ordinary skill in the art.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Re. 22,037 to Markel et al. discloses a lighting fixture assembly.

4,303,217 to Garfinkle discloses a pegboard bracket.

4,156,272 to Wandler discloses a mounting bracket for light fixture.

4,199,803 to Hunt, III discloses a floodlight fixture and method.

4,222,093 to Garcia et al. discloses a light mounting fixture assembly.

4,368,506 to Rapp discloses a mounting apparatus for a luminaire.

4,726,152 to Vagedes et al. discloses a bracket for mounting a fixture.

4,979,713 to Bell discloses a rack mounting means.

5,275,366 to Simmons discloses a fixture mounting bracket and assembly.


5,376,020 to Jones discloses a canopy for an exit light.


5,549,266 to Mitchell et al. discloses a mounting bracket.

5,975,477 to Spitler discloses a light mounting bracket.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Naschica S. Morrison, whose telephone number is (703) 305-0228. If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Leslie Braun can be reached at 703-308-2156. The fax machine telephone number for the Technology Center is (703) 305-3597 or (703) 305-3598 (formal amendments) or (703) 308-3519 (informal amendments/communications).

Any inquiry of a general nature or relating to the status of this Application should be directed to the Technology Center receptionist at (703) 308-2168.

  
Naschica S. Morrison  
Patent Examiner  
Art Unit 3632  
9/24/01

  
ANITA KING  
PRIMARY EXAMINER